

## Page 1 of 3

**RESPONDENT NAME: IZR CORPORATION DBA GARLAND FINA**

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 3101 Saturn Road, Garland, Dallas County</p> <p><b>TYPE OF OPERATION:</b> Convenience store with retail sales of gasoline.</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There are no pending enforcement actions regarding this facility location. The Respondent owes past due administrative penalties of \$19,340 which have been referred to the Attorney General for collection.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on March 23, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b></p> <p><b>TCEQ Attorney:</b> Ms. Rebecca M. Combs, Litigation Division, MC 175, (512) 239-6939 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019</p> <p><b>TCEQ Enforcement Coordinator:</b> Mr. Terry Murphy, Air Enforcement Section, MC 149, (512) 239-5025</p> <p><b>TCEQ Regional Contact:</b> Mr. Sam Barre'tt, DFW Regional Office, MC R-4, (817) 588-5903</p> <p><b>Respondent:</b> Mr. Kenneth Ramey, President, IZR Corporation, 3101 Saturn Road, Garland, Texas 75041</p> <p><b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter.</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> January 11, 2007</p> <p><b>Date of NOE Relating to this Case:</b> February 15, 2007</p> <p><b>Background Facts:</b></p> <p>The EDPRP was filed on November 1, 2007. The Respondent received notice of the EDPRP on November 5, 2007 as evidenced by the signature on the return receipt "green card". The Respondent agreed to sign an Agreed Order in February 2008 but never returned the Agreed Order. The Respondent has not filed an answer, requested a hearing, or scheduled a settlement conference.</p> <p><b>Current Compliance Status:</b></p> <p>The Respondent no longer owns or operates the Facility as of March 3, 2008.</p> <p><b>PST:</b></p> <ol style="list-style-type: none"> <li>1. Failed to install an emergency shutoff valve on each pressurized delivery or product line and ensure that it is securely anchored at the base of the dispenser [30 TEX. ADMIN. CODE § 334.45(c)(3)(A)].</li> <li>2. Failed to provide and maintain the Stage II vapor recovery system in proper operating condition [30 TEX. ADMIN. CODE § 115.242(3)(A) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</li> <li>3. Failed to verify proper operation of the Stage II equipment [30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</li> <li>4. Failed to ensure that at least one Station representative receives training and instruction in the operation and maintenance of the Stage II vapor recovery system [30 TEX. ADMIN. CODE § 115.248(1) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</li> </ol>	<p><b>Total Assessed:</b> \$11,102</p> <p><b>Total Deferred:</b> \$0</p> <p><input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Due to General Revenue:</b> \$11,102</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</p> <p><b>Site Compliance History Classification:</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Action(s) Taken:</b></p> <p>The ED recognizes that Respondent no longer owns or operates the Facility as of March 3, 2008.</p>

- |   |  |  |
|---|--|--|
| <p>5. Failed to conduct daily and monthly inspections of the Stage II vapor recovery system [30 TEX. ADMIN. CODE § 115.244(1) and (3) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>6. Failed to maintain records on-site and then make them immediately available for review [30 TEX. ADMIN. CODE § 115.246(7)(A) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>7. Failed to renew a delivery certificate [30 TEX. ADMIN. CODE § 334.8(c)(5)(B)(ii) and TEX. WATER CODE § 26.3467(a)].</p> |  |  |
|---|--|--|



Policy Revision 2 (September 2002)

## Penalty Calculation Worksheet (PCW)

PCW Revision January 9, 2007

TCEQ

<b>DATES</b>	<b>Assigned</b>	26-Feb-2007	<b>Screening</b>	13-Mar-2007	<b>EPA Due</b>	
	<b>PCW</b>	31-Oct-2007				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	IZR Corporation dba Garland Fina		
<b>Reg. Ent. Ref. No.</b>	RN101551299		
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	32928	<b>No. of Violations</b>	7
<b>Docket No.</b>	2007-0409-PST-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>Enf. Coordinator</b>	Audra L. Ruble
<b>Multi-Media</b>		<b>EC's Team</b>	EnforcementTeam 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$9,100

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** 22% Enhancement **Subtotals 2, 3, & 7** \$2,002

<b>Notes</b>	The Respondent has received one previous NOV for non-similar violations and one 1660 Order in the past five years.
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**Culpability** No 0% Enhancement **Subtotal 4** \$0

<b>Notes</b>	The Respondent does not meet the culpability criteria.
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**Good Faith Effort to Comply** 0% Reduction **Subtotal 5** \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)
<b>Notes</b>	The Respondent does not meet the good faith criteria.	

**Total EB Amounts** \$3,241 **Subtotal 6** \$0**Approx. Cost of Compliance** \$8,000 **\*Capped at the Total EB \$ Amount****SUM OF SUBTOTALS 1-7** **Final Subtotal** \$11,102**OTHER FACTORS AS JUSTICE MAY REQUIRE** **Adjustment** \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

<b>Notes</b>	
<b>Final Penalty Amount</b>	\$11,102

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$11,102**DEFERRAL** 0% Reduction **Adjustment** \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

<b>Notes</b>	No deferral is recommended for Findings Orders.
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**PAYABLE PENALTY** \$11,102

Screening Date 13-Mar-2007

Docket No. 2007-0409-PST-E

PCW

Respondent IZR Corporation dba Garland Fina

Policy Revision 2 (September 2002)

Case ID No. 32928

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101551299

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Audra L. Ruble

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 22%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

The Respondent has received one previous NOV for non-similar violations and one 1660 Order in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 22%

Screening Date 13-Mar-2007

Docket No. 2007-0409-PST-E

PCW

Respondent IZR Corporation dba Garland Fina

Policy Revision 2 (September 2002)

Case ID No. 32928

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101551299

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Audra L. Ruble

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 334.45(c)(3)(A)

Violation Description

Failed to install an emergency shutoff valve on each pressurized delivery or product line and ensure that it is securely anchored at the base of the dispenser, as documented during an investigation conducted on January 11, 2007.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to properly maintain PST equipment could result in the release of a significant amount of pollutants which would not exceed levels protective of human health and/or the environment.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 1

61

Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

One quarterly event is recommended from investigation (January 11, 2007) through screening (March 13, 2007).

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$28

Violation Final Penalty Total \$1,220

This violation Final Assessed Penalty (adjusted for limits) \$1,220

## Economic Benefit Worksheet

**Respondent** IZR Corporation dba Garland Fina  
**Case ID No.** 32928  
**Reg. Ent. Reference No.** RN101551299  
**Media** Petroleum Storage Tank  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$.							

### Delayed Costs

Equipment	\$500	11-Jan-2007	1-Nov-2007	0.8	\$1	\$27	\$28
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to repair equipment. Date required is the date of investigation and Final date is when compliance is expected to be achieved.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$28

Screening Date 13-Mar-2007

Docket No. 2007-0409-PST-E

PCW

Respondent IZR Corporation dba Garland Fina

Policy Revision 2 (September 2002)

Case ID No. 32928

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101551299

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Audra L. Ruble

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 115.242(3)(A) and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description

Failed to provide and maintain the Stage II vapor recovery system in proper operating condition, as documented during an investigation conducted on January 11, 2007. Specifically, the Stage I Drybreak dustcap was noted to be missing from the swivel vapor adapter.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to maintain the Stage II equipment could result in the release of a significant amount of pollutants which would not exceed levels protective of human health and/or the environment.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 1

61 Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

One quarterly event is recommended from investigation (January 11, 2007) through screening (March 13, 2007).

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$28

Violation Final Penalty Total \$1,220

This violation Final Assessed Penalty (adjusted for limits) \$1,220



## Economic Benefit Worksheet

**Respondent** IZR Corporation dba Garland Fina  
**Case ID No.** 32928  
**Reg. Ent. Reference No.** RN101551299  
**Media** Petroleum Storage Tank  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment	\$500	11-Jan-2007	1-Nov-2007	0.8	\$1	\$27	\$28
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to repair equipment. Date required is the date of investigation and Final date is when compliance is expected to be achieved.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$28

Screening Date 13-Mar-2007

Docket No. 2007-0409-PST-E

PCW

Respondent IZR Corporation dba Garland Fina

Policy Revision 2 (September 2002)

Case ID No. 32928

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101551299

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Audra L. Ruble

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 115.245(2) and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description

Failed to verify proper operation of the Stage II equipment, as documented during an investigation conducted on January 11, 2007. Specifically, vapor space manifold and dynamic backpressure testing had not been successfully completed at the facility within the past three years.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to conduct testing may result in the release of a significant amount of pollutants which would exceed levels protective of human health and/or the environment.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

1096 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$2,500

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$3,101

Violation Final Penalty Total \$3,050

This violation Final Assessed Penalty (adjusted for limits) \$3,050

## Economic Benefit Worksheet

**Respondent** IZR Corporation dba Garland Fina  
**Case ID No.** 32928  
**Reg. Ent. Reference No.** RN101551299  
**Media** Petroleum Storage Tank  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,500	11-Jan-2007	1-Dec-2007	0.9	\$111	n/a	\$111

Notes for DELAYED costs

Estimated cost to conduct required testing of the Stage II equipment. Date required is the date of the investigation and Final date is when compliance is expected to be achieved.

### Avoided Costs

#### ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$2,500	11-Jan-2004	11-Jan-2007	3.9	\$490	\$2,500	\$2,990

Notes for AVOIDED costs

Estimated cost to conduct required testing of the Stage II equipment. Date required is the date that testing was due and Final date is the investigation date.

Approx. Cost of Compliance

\$5,000

TOTAL

\$3,101

Screening Date 13-Mar-2007

Docket No. 2007-0409-PST-E

PCW

Respondent IZR Corporation dba Garland Fina

Policy Revision 2 (September 2002)

Case ID No. 32928

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101551299

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Audra L. Ruble

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 115.248(1) and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description

Failed to ensure that at least one facility representative receives training and instruction in the operation and maintenance of the Stage II vapor recovery system, as documented during an investigation conducted on January 11, 2007.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to train employees may result in the release of a significant amount of pollutants which would not exceed levels protective of human health and/or the environment.

Adjustment \$9,000

\$1,000

## Violation Events

Number of Violation Events 1

61

Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,000

One quarterly event is recommended from investigation (January 11, 2007) through screening (March 13, 2007).

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$60

Violation Final Penalty Total \$1,220

This violation Final Assessed Penalty (adjusted for limits) \$1,220

## Economic Benefit Worksheet

**Respondent** IZR Corporation dba Garland Fina  
**Case ID No.** 32928  
**Reg. Ent. Reference No.** RN101551299  
**Media** Petroleum Storage Tank  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$1,500	11-Jan-2007	1-Nov-2007	0.8	\$60	n/a	\$60
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to training employees on Stage II equipment operations. Date required is the date of investigation and final date is when compliance is expected to be achieved.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$60

Screening Date 13-Mar-2007

Docket No. 2007-0409-PST-E

PCW

Respondent IZR Corporation dba Garland Fina

Policy Revision 2 (September 2002)

Case ID No. 32928

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101551299

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Audra L. Ruble

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 115.244(1) and (3) and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description Failed to conduct daily and monthly inspections of the Stage II vapor recovery system, as documented during an investigation conducted on January 11, 2007. Specifically, the facility representative stated that no inspections of the system are conducted.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to conduct inspections of the system may result in the release of a significant amount of pollutants which would exceed levels protective of human health and/or the environment.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

61

Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$3,050

This violation Final Assessed Penalty (adjusted for limits) \$3,050

## Economic Benefit Worksheet

**Respondent** IZR Corporation dba Garland Fina  
**Case ID No.** 32928  
**Reg. Ent. Reference No.** RN101551299  
**Media** Petroleum Storage Tank  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$300	11-Jan-2007	1-Nov-2007	0.8	\$12	n/a	\$12

Notes for DELAYED costs

Costs for conducting daily and monthly inspections from date of investigation to date when compliance is expected to be achieved.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$300

TOTAL

\$12

Screening Date 13-Mar-2007

Docket No. 2007-0409-PST-E

PCW

Respondent IZR Corporation dba Garland Fina

Policy Revision 2 (September 2002)

Case ID No. 32928

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101551299

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Audra L. Ruble

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 115.246(7)(A) and Tex. Health &amp; Safety Code § 382.085(b)

Violation Description

Failed to maintain records on-site and make them immediately available for review, as documented during an investigation conducted on January 11, 2007. Specifically, the facility did not have a copy of the CARB Executive Order for the Stage II system installed.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

One out of six requirements were not met.

Adjustment \$9,900

\$100

## Violation Events

Number of Violation Events 1

61 Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$122

This violation Final Assessed Penalty (adjusted for limits) \$122



## Economic Benefit Worksheet

**Respondent:** IZR Corporation dba Garland Fina  
**Case ID No.:** 32928  
**Reg. Ent. Reference No.:** RN101551299  
**Media:** Petroleum Storage Tank  
**Violation No.:** 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$100	11-Jan-2007	1-Nov-2007	0.8	\$4	n/a	\$4
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to keep records on-site. Date required is the date of investigation and final date is when compliance is expected to be achieved.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$4

Screening Date 13-Mar-2007

Docket No. 2007-0409-PST-E

PCW

Respondent IZR Corporation dba Garland Fina

Policy Revision 2 (September 2002)

Case ID No. 32928

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101551299

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Terry Murphy

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code § 334.8(c)(5)(B)(ii) and Tex. Water Code § 26.3467(a)

Violation Description

Failed to renew a delivery certificate, as documented during an investigation conducted on January 11, 2007.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

## Violation Events

1

317

Number of violation days

mark only one  
with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$1,220

This violation Final Assessed Penalty (adjusted for limits) \$1,220

## Economic Benefit Worksheet

**Respondent:** IZR Corporation dba Garland Fina  
**Case ID No.:** 32928  
**Reg. Ent. Reference No.:** RN101551299  
**Media:** Petroleum Storage Tank  
**Violation No.:** 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	30-Apr-2006	1-Nov-2007	1.5	\$8	n/a	\$8

Notes for DELAYED costs

Estimated cost to submit and/or renew the delivery certificate. Date required is the expiration date and Final date is when compliance is expected to be achieved.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$8

## Compliance History

Customer/Respondent/Owner-Operator: -	CN600818553	IZR Corporation	Classification: AVERAGE	Rating: 9.60
Regulated Entity:	RN101551299	GARLAND FINA	Classification: AVERAGE	Site Rating: 9.60
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION		REGISTRATION	72525
Location:	3101 SATURN RD, GARLAND, TX, 75041		Rating Date: 9/1/2006 Repeat Violator: NO	
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	March 06, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	March 06, 2002 to March 06, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Audra Ruble		Phone:	361-825-3126

### Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

#### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- Effective Date: 03/07/2003      ADMINORDER 2002-0573-PST-E
- Classification: Moderate
- Citation:    2C TWC Chapter 20, SubChapter A 26.346(a)  
              30 TAC Chapter 334, SubChapter A 334.8(c)(4)(B)
- Description: Failed to fully and accurately complete and submit a UST registration and self-certification form to the TCEQ in a timely manner.
- B. Any criminal convictions of the state of Texas and the federal government.
- N/A
- C. Chronic excessive emissions events.
- N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- |   |            |          |
|---|------------|----------|
| 1 | 04/11/2003 | (26799)  |
| 2 | 06/24/2003 | (276679) |
| 3 | 10/08/2004 | (290417) |
| 4 | 11/09/2004 | (340714) |
| 5 | 02/20/2007 | (536437) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- Date: 06/24/2003      (276679)
- Self Report?    NO      Classification:    Moderate
- Citation:        30 TAC Chapter 37, SubChapter I 37.815(a)[G]  
                      30 TAC Chapter 37, SubChapter I 37.815(b)[G]
- Description:    Failure to provide acceptable financial assurance
- F. Environmental audits.
- N/A
- G. Type of environmental management systems (EMSs).
- N/A
- H. Voluntary on-site compliance assessment dates.
- N/A
- I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
IZR CORPORATION DBA  
GARLAND FINA,  
RN101551299**

§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER DOCKET NO. 2007-0409-PST-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE chs. 7 and 26, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty. The respondent made the subject of this Order is IZR Corporation dba Garland Fina ("IZR").

The Commission makes the following Findings of Fact and Conclusions of Law:

### **FINDINGS OF FACT**

1. IZR owned and operated a convenience store with retail sales of gasoline located at 3101 Saturn Road in Garland, Dallas County, Texas (the "Station").
2. IZR's two underground storage tanks ("USTs") were not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. IZR's USTs contained a regulated substance as defined in the rules of the Commission. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an inspection on January 11, 2007 a TCEQ DFW Regional Office Investigator documented that IZR Corporation:
  - a. Failed to install an emergency shutoff valve on each pressurized delivery or product line and ensure that it is securely anchored at the base of the dispenser;
  - b. Failed to provide and maintain the Stage II vapor recovery system in proper operating condition; specifically the Stage I Drybreak dustcap was noted to be missing from the swivel vapor adapter;

- c. Failed to verify proper operation of the Stage II equipment; specifically, vapor space manifold and dynamic backpressure testing had not been successfully completed at the Station within the past three years;
  - d. Failed to ensure that at least one Station representative receives training and instruction in the operation and maintenance of the Stage II vapor recovery system;
  - e. Failed to conduct daily and monthly inspections of the Stage II vapor recovery system; specifically, the Station representative stated that no inspections of the system are conducted;
  - f. Failed to maintain records on-site and then make them immediately available for review; specifically, the Station did not have a copy of the CARB Executive Order for the Stage II system installed; and
  - g. Failed to renew a delivery certificate.
- 4. IZR Corporation received notice of the violations on or about February 20, 2007.
  - 5. The Executive Director recognizes that IZR sold the Station on or around March 3, 2008.
  - 6. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of IZR Corporation dba Garland Fina" (the "EDPRP") in the TCEQ Chief Clerk's office on November 1, 2007.
  - 7. By letter dated November 1, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served IZR with notice of the EDPRP. According to the return receipt "green card", IZR received notice of the EDPRP on November 5, 2007, as evidenced by the signature on the card.
  - 8. More than 20 days have elapsed since IZR received notice of the EDPRP, provided by the Executive Director. IZR failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, IZR is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., IZR has failed to install an emergency shutoff valve on each pressurized delivery or product line and ensure that it is securely anchored at the base of the dispenser, in violation of 30 TEX. ADMIN. CODE § 334.45(c)(3)(A).
3. As evidenced by Finding of Fact No. 3.b., IZR has failed to provide and maintain the Stage II vapor recovery system in proper operating condition; specifically the Stage I Drybreak dustcap was noted to be missing from the swivel vapor adapter, in violation of 30 TEX. ADMIN. CODE § 115.242(3)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Finding of Fact No. 3.c., IZR has failed to verify the proper operation of the Stage II equipment; specifically, vapor space manifold and dynamic backpressure testing had not been successfully completed at the Station within the past three years, in violation of 30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. As evidenced by Finding of Fact No. 3.d., IZR has failed to ensure that at least one Station representative receives training and instruction in the operation and maintenance of the Stage II vapor recovery system, in violation of 30 TEX. ADMIN. CODE § 115.248(1) and TEX. HEALTH & SAFETY CODE § 382.085(b).
6. As evidenced by Finding of Fact No. 3.e., IZR has failed to conduct daily and monthly inspections of the Stage II vapor recovery system; specifically, the Station representative stated that no inspections of the system are conducted, in violation of 30 TEX. ADMIN. CODE § 115.244(1) and (3) and TEX. HEALTH & SAFETY CODE § 382.085(b).
7. As evidenced by Finding of Fact No. 3.f., IZR has failed to maintain records on-site and then make them immediately available for review; specifically, the Station did not have a copy of the CARB Executive Order for the Stage II system installed, in violation of 30 TEX. ADMIN. CODE § 115.246(7)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b).
8. As evidenced by Finding of Fact No. 3.g., IZR has failed to renew a delivery certificate, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(B)(ii) and TEX. WATER CODE § 26.3467(a).



9. As evidenced by Finding of Fact Nos. 6 and 7, the Executive Director has timely served IZR with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
10. As evidenced by Finding of Fact No. 8, IZR has failed to file a timely answer to the EDPRP, as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against IZR and assess the penalty recommended by the Executive Director.
11. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against IZR for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
12. An administrative penalty in the amount of eleven thousand one hundred two dollars (\$11,102.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
13. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

### **ORDERING PROVISIONS**

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. IZR Corporation is assessed an administrative penalty in the amount of eleven thousand one hundred two dollars (\$11,102.00) for violations of TEX. WATER CODE ch. 26, TEX. HEALTH & SAFETY CODE ch. 382, and rules of the TCEQ. The payment of this administrative penalty and IZR's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality". The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: IZR Corporation dba Garland Fina; Docket No. 2007-0409-PST-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. All relief not expressly granted in this Order is denied.
3. The provisions of this Order shall apply to and be binding upon IZR.
4. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to IZR if the Executive Director determines that IZR has not complied with one or more of the terms or conditions in this Order.
5. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
6. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

**AFFIDAVIT OF REBECCA M. COMBS**

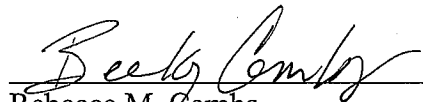
STATE OF TEXAS           §  
                                     §  
COUNTY OF TRAVIS       §

"My name is Rebecca M. Combs. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the 'Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of IZR Corporation dba Garland Fina' (the 'EDPRP') was filed with the Office of the Chief Clerk on November 1, 2007.

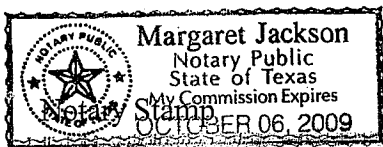
The EDPRP was sent to IZR Corporation at its last known address on November 1, 2007 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt 'green card', IZR Corporation received notice of the EDPRP on November 5, 2007, as evidenced by the signature on the card.


More than 20 days have elapsed since IZR Corporation received notice of the EDPRP. IZR Corporation failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference."

  
Rebecca M. Combs  
Attorney  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Rebecca M. Combs known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 10 day of December, 2008.



  
Notary Signature